

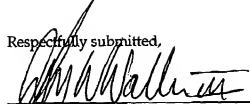
ORT-1224

2. Claims 1, 3, 5 and 6 stand rejected in the Final Rejection under 35 U.S.C. 102 (b) as being anticipated by Gallimore et al. Gallimore et al. teaches a method for the surface staining of T cells. The present invention is drawn to a method for purifying antigen-specific T cells by identifying T cells that have internalized a labelled MHC Class I molecule bound to a specific antigen. A sufficient amount of time is required for internalization to take effect. The present specification teaches one or more hours of incubation of the T cells with the labelled MHC Class I-peptide complex for internalization prior to running the cells through the FACS (see, for example, page 7, lines 12 to 14; and page 8, lines 5 to 8 and lines 12 to 14; and page 9, lines 3 to 4). The present claim 1 recites in step (b) that the incubation time is "for a period of time sufficient for the T cells to internalize the MHC Class I protein". The claim has been amended herein to recite that the period of time for incubation "is at least one hour". Support for this amendment is found in the specification at the pages and lines set forth above. Claim 1 already contains a recitation that the MHC Class I protein had to be internalized. The reference Gallimore et al. discloses at page 1385, left hand column, in the "Flow Cytometry" paragraph that the incubation time was only 45 minutes. There is no teaching in Gallimore et al. concerning the internalization of the MHC Class I-peptide molecule by the antigen-specific T cells. The present claim 1, as amended herein, recites that the labelled MHC Class I molecule bound to the antigen is incubated with the T cells for at least one hour to internalize the labelled protein. It is therefore believed that claims 1, 3, 5 and 6 are clearly distinguished from the teachings of Gallimore et al. under 35 U.S.C. 102 (b). It is also pointed out that claim 6 has been amended to delete the word "acquired" and insert in its place "internalized" for proper antecedent basis in dependent claim 6.
3. The Examiner is respectfully requested to reconsider all objections and rejections of the claims of this application, and allowance of the claims is requested.

ORT-1224

4. No fee is due for the amendment set forth above.

Respectfully submitted,



John W. Wallen III

Reg. No. 35,403

Attorney for Applicant(s)

Johnson & Johnson
Office of General Counsel
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(858)784-3239
DATE: 27 September 2001

ORT-1224

VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the Claims:**

Claim 1 is amended as follows:

1. (Amended) A method for the purification of antigen specific T cells, comprising:
 - b) contacting a MHC class I protein-fluorescent protein fusion molecule or a radiolabeled MHC class I protein, bound to a specific antigen with a population of T cells;
 - c) incubating the MHC class I protein bound to the specific antigen together with the population of T cells for a period of time sufficient for the T cells to internalize the MHC class I protein from the T cell surface wherein said period of time is at least one hour; and
 - d) identifying the T cells that have internalized the MHC class I protein-fluorescent protein fusion molecule or the radiolabeled MHC class I protein.

Claim 6 is amended as follows:

6. (Amended) The method of claim 1, wherein the identifying of the T cells that have acquired internalized the MHC class I protein-fluorescent protein fusion molecule is done by detecting fluorescence emission of the fluorescent protein fusion molecule in a fluorescence activated cell sorter.